IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1076 (S/S) of 2006

Ranbir Singh Faraswan,
S/o Sri Narain Singh Faraswan,
R/o 7/90, Halda Pani,
Post Office Gopeshwar
District – Chamoli.

……Petitioner

V e r s u s

1. Chamoli District Cooperative Bank Ltd. Gopeshwar, District – Chamoli, through its Chairman/ General Manager.

2. Secretary/ General Manager, Chamoli District Cooperaive Bank Ltd. Gopeshwar, District – Chamoli

…..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri R.P. Nautiyal, learned counsel for the petitioner and Sri Vipul Sharma, learned counsel for respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) Issue a writ, order or direction in the nature of Certiorari calling for the records and quashing the impugned transfer order dated 29.07.2006 (Annexure No. 1 to this writ petition) passed by Secretary/ General Manager, Chamoli District Cooperative Bank Ltd. Gopeshwar, District – Chamoli – respondent no. 2.

(b) *Pass any other and further orders, which this Hon'ble Court may deem fit and proper under the circumstances of the case.*

(c) *award the costs of the petition to the petitioner.*

By the impugned order dated 29.07.2006 passed by respondents no. 2, petitioner, who is working as Junior Manager in Chamoli District Cooperative Bank, has been transferred from Nandprayag to Tharali.

Petitioner has challenged this transfer order on two grounds. First, transfer order has been made against the policy issued by the Bank in respect of bank employee and second, petitioner has two children. His daughter is studying in final year of M. Sc. and his son in studying in final year of B. Com. Both of them are studying at Gopeshwar P.G. College. They used to go to College from Nandprayag to Gopeshwar, which is 20 kms. away from Nandprayag. Wife of petitioner has already been expired long back and in case, petitioner is compelled to join at new place of posting i.e. at Tharali, his children will have to face great difficulty to attend their classes as Tharali is about 100 kms. away from Gopeshwar.

Transfer of the petitioner is virtually made in mid academic session and by the impugned transfer order study of petitioner's children will certainly be affected.

Learned counsel for the petitioner has submitted that petitioner has no objection if he is transferred in the next year because in that case, daughter and son of the petitioner would have completed their M. Sc. And B. Com respectively.

In the circumstances stated above, I think it just and proper to stay the operation of order dated 29.07.2006 passed by respondent no. 2, so far as it relates to the petitioner, provided the petitioner gives undertaking before respondents that he is ready to join at new place of posting, where the respondents may transfer him, in the next years.

With this direction writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 08, 2006
SKSharma